

110TH CONGRESS  
1ST SESSION

# H. R. 1914

To amend title 18, United States Code, to ensure the death penalty for terrorists, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 18, 2007

Mr. CARTER (for himself, Mr. FORBES, Mr. CHABOT, Mr. POE, Mr. BURTON of Indiana, Mr. LAMBORN, Mr. MILLER of Florida, Mr. BARRETT of South Carolina, Mr. HENSARLING, Mr. WAMP, Mr. SAM JOHNSON of Texas, Mr. BURGESS, Mr. PEARCE, Mr. REHBERG, Mrs. MUSGRAVE, Mr. NEUGEBAUER, Mrs. BLACKBURN, Mr. SESSIONS, Mr. BRADY of Texas, Mr. MCCAUL of Texas, Mr. BISHOP of Utah, Mr. GOHMERT, Mr. HAYES, Mr. MCHENRY, and Mr. CULBERSON) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend title 18, United States Code, to ensure the death penalty for terrorists, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Terrorist Death Pen-  
5 alty Act of 2007”.

1 **SEC. 2. ENSURING DEATH PENALTY FOR TERRORIST OF-**  
 2 **FENSES WHICH CREATE GRAVE RISK OF**  
 3 **DEATH.**

4 (a) ADDITION OF TERRORISM TO DEATH PENALTY  
 5 OFFENSES NOT RESULTING IN DEATH.—Section  
 6 3591(a)(1) of title 18, United States Code, is amended  
 7 by inserting “, section 2339E,” after “section 794”.

8 (b) MODIFICATION OF AGGRAVATING FACTORS FOR  
 9 TERRORISM OFFENSES.—Section 3592(b) of title 18,  
 10 United States Code, is amended—

11 (1) in the heading, by inserting “, terrorism,”  
 12 after “espionage”; and

13 (2) by inserting immediately after paragraph

14 (3) the following:

15 “(4) SUBSTANTIAL PLANNING.—The defendant  
 16 committed the offense after substantial planning.”.

17 **SEC. 3. MODIFICATION OF DEATH PENALTY PROVISIONS.**

18 (a) IMPANELING OF NEW JURY WHEN UNANIMOUS  
 19 RECOMMENDATION CANNOT BE REACHED.—Section  
 20 3594 of title 18, United States Code, is amended by in-  
 21 serting after the first sentence the following: “If the jury  
 22 is unable to reach any unanimous recommendation under  
 23 section 3593(e), the court, upon motion by the Govern-  
 24 ment, may impanel a jury under section 3593(b)(2)(E) for  
 25 a new sentencing hearing.”.

1 (b) MODIFICATION OF MITIGATING FACTORS.—Sec-  
2 tion 3592(a)(4) of title 18, United States Code, is amend-  
3 ed—

4 (1) by striking “Another” and inserting “The  
5 Government could have, but has not, sought the  
6 death penalty against another”; and

7 (2) by striking “, will not be punished by  
8 death”.

9 (c) MODIFICATION OF AGGRAVATING FACTORS FOR  
10 OFFENSES RESULTING IN DEATH.—Section 3592(c) of  
11 title 18, United States Code, is amended—

12 (1) in paragraph (7), by inserting “or by cre-  
13 ating the expectation of payment,” after “or promise  
14 of payment,”;

15 (2) in paragraph (1), by inserting “section  
16 2339E (terrorist offenses resulting in death),” after  
17 “destruction),”;

18 (3) by inserting immediately after paragraph  
19 (16) the following:

20 “(17) OBSTRUCTION OF JUSTICE.—The defend-  
21 ant engaged in any conduct resulting in the death of  
22 another person in order to obstruct investigation or  
23 prosecution of any offense.”.

1 (d) ADDITIONAL GROUND FOR IMPANELING NEW  
 2 JURY.—Section 3593(b)(2) of title 18, United States  
 3 Code, is amended—

4 (1) by striking “or” at the end of subparagraph  
 5 (C);

6 (2) by inserting after subparagraph (D) the fol-  
 7 lowing:

8 “(E) a new penalty hearing is necessary  
 9 due to the inability of the jury to reach a unan-  
 10 imous penalty verdict as required by section  
 11 3593(e); or”.

12 (e) JURIES OF LESS THAN 12 MEMBERS.—Sub-  
 13 section (b) of section 3593 of title 18, United States Code,  
 14 is amended by striking “unless” and all that follows  
 15 through the end of the subsection and inserting “unless  
 16 the court finds good cause, or the parties stipulate, with  
 17 the approval of the court, a lesser number.”.

18 (f) PEREMPTORY CHALLENGES.—Rule 24(c) of the  
 19 Federal Rules of Criminal Procedure is amended—

20 (1) in paragraph (1), by striking “6” and in-  
 21 serting “9”; and

22 (2) in paragraph (4), by adding at the end the  
 23 following:

24 “(C) SEVEN, EIGHT OR NINE ALTER-  
 25 NATES.—Four additional peremptory challenges

- 1 are permitted when seven, eight, or nine alter-
- 2 nates are impaneled.”.

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